# IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

§	Chapter 11
§	Case No. 23-90020
§	(Jointly Administered)
§ §	Adversary Case No. 23-09001
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LCM LENDERS'
JOINDER IN THE AD HOC
GROUP OF FIRST LIEN LENDERS'
RESPONSE TO PLAINTIFFS' "EMERGENCY"
MOTION (I) APPROVING PLAINTIFFS' PROPOSED
DISCOVERY SCHEDULE, AND (II) LIMITING DEPOSITIONS,
OR IN THE ALTERNATIVE, TO SCHEDULE A STATUS CONFERENCE

LCM XXII Ltd., LCM XXIII Ltd., LCM XXIV Ltd., LCM XXV Ltd., LCM 26 Ltd., LCM 27 Ltd. and LCM 28 Ltd. (collectively, the "LCM Lenders") file this joinder ("Joinder") in The Ad Hoc Group of First Lien Lenders' response to Plaintiffs' Emergency Motion (I) Approving Plaintiffs' Proposed Discovery Schedule, and (II) Limiting Depositions, Or In the Alternative, To

<sup>&</sup>lt;sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Dawn Intermediate, LLC (6123); Serta Simmons Bedding, LLC (1874); Serta International Holdco, LLC (6101); National Bedding Company L.L.C. (0695); SSB Manufacturing Company (5743); The Simmons Manufacturing Co., LLC (0960); Dreamwell, Ltd. (2419); SSB Hospitality, LLC (2016); SSB Logistics, LLC (6691); Simmons Bedding Company, LLC (2552); Tuft & Needle, LLC (6215); Tomorrow Sleep LLC (0678); SSB Retail, LLC (9245); and World of Sleep Outlets, LLC (0957). The Debtors' corporate headquarters and service address for these chapter 11 cases is 2451 Industry Avenue, Doraville, Georgia 30360.

Schedule a Status Conference, dated April 17, 2023 (D.I. 164) (the "Motion") (Dkt. No. 677) (the "Ad Hoc Group Filing"), and respectfully state as follows:

- 1. On April 10, 2023, the Ad Hoc Group of First Lien Lenders (the "Ad Hoc Group") filed the Ad Hoc Group Filing. Pursuant to this Joinder, the LCM Lenders hereby join in, incorporate by reference, and adopt as their own, the arguments and assertions of the Ad Hoc Group Filing.<sup>2</sup>
- 2. In further support of this Joinder, the LCM Lenders state the below additional relevant facts.
- 3. The LCM Lenders have interposed, *inter alia*, a counterclaim for breach of the covenant of good faith and fair dealing as against Plaintiffs (Dkt. 146).
- 4. On April 10, 2017, Plaintiffs served on the LCM Lenders 22 document requests, 6 interrogatories, and 7 requests for admission.
  - 5. The LCM Lenders reserve the right to question any witness who sits for deposition.

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<sup>&</sup>lt;sup>2</sup> Unless otherwise defined herein, capitalized terms shall have the meanings set forth in the Ad Hoc Group Filing.

Dated: April 20, 2023 Respectfully submitted,

### MCKOOL SMITH, PC

## /s/ John J. Sparacino

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#### -and-

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## Counsel for the LCM Lenders

# **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing pleading was served by electronic delivery on all persons and entities receiving ECF notice in this case on April 20, 2023.

/s/ John J. Sparacino
John J. Sparacino